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BEYER WEAVER & THOMAS, LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			VUU, HENRY	
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			2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,339

Applicant(s)

BEAMAN, ALEXANDER B.

Examiner

Henry Vuu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 13 – 18, 20, and 23 – 26 are rejected under 35 U.S.C. 102(b) as being anticipated by over Qureshey et al. (Publication No. 2002/0002039).

As to independent claim 8, Qureshey et al. teaches:

A method for creating audio menu components (see e.g., Fig. 17D), comprising:
providing a text string that represents a menu component (see e.g., Fig. 17A and para. [0160]; i.e., the text string that represents a menu component corresponds to information tabs 1726, wherein “Playlist”, “Artist”, “Genre”, “Books”, and “Clips” corresponds to text strings representing menu components), whereby the menu component is one of several options that can be selected (see e.g., Fig. 17A and para. [0155], lines 14 – 15; i.e., the user is able to view classifications, such as artist or playlist) from a displayed menu on a client device (see e.g., Fig. 17A and para. [0155], lines 5 – 8; i.e., the client PC runs a client software 1532 in order to display menu options); generating an audio file that is an audio representation of the menu component (see e.g., para. [0126], lines 12 – 14; i.e., generating audio files corresponds to the user playing the audio file with the group of menu buttons 1212);

delivering the audio file to a client device (see e.g., para. [0124], lines 30 – 44; i.e., Device 1110 corresponds to a client's device, wherein the client 1110 device downloads the list of audio files from the server).

As to dependent claim 13, Qureshey et al teaches:

The method of claim 8, wherein: the audio file generation includes at least compression of the audio file (see e.g., para. [0010], lines 1 – 4).

As to dependent claim 14, Qureshey et al. teaches:

The method of claim 8, wherein: the delivery of the audio files includes embedding the audio files in metadata (see e.g., para. [0180], lines 20 – 26; i.e., the metadata corresponds to the server downloading the identity of the artist and other information concerning the audio source and deliver it to the client's device).

As to dependent claim 15, Qureshey et al. teaches:

The method of claim 8, further comprising: determining whether the audio file is present on the client device (see e.g., para. [0174], lines 10 – 13; i.e., the playlist is downloaded to the client's device and the process advances to decision block 1908, wherein block 1908 checks to see if all songs in the playlist are present on the client's hard drive 1512); wherein, delivering the audio files is performed only if the audio file is not present on the client device (see e.g., para. [0174], lines 14 – 15; i.e., if there are remaining songs not found on the client's device, server site IPAN 1433 forms a list of remaning songs to be downloaded to the client's hard drive 1512).

As to independent claim 16, claim 16 differs from claim 8 only in that claim 16 is an apparatus claim using a computer readable medium (see e.g., para. [0146], lines 19

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– 21; i.e., storage space 1506 is storage space provided to the server) containing executable instructions (see e.g., para. [0146], lines 18 – 19; i.e., software programs are stored locally or externally on storage space 1506) that when executed causes a processor (see e.g., Microsoft Computer Dictionary 5th edition and para. [0146]; i.e., a server is defined as “a computer or program that responds to commands from a client”, those skilled in the art will appreciate that a server is a computer, wherein the server/computer comprises a processor for executing software programs) to perform the steps of claim 8. Thus, claim 16 is analyzed as previously discussed with respect to claim 8 above.

As to independent claim 17, Qureshey et al. teaches:

A method of using audio files in a menu comprising: receiving an audio file (see e.g., para. [0124], lines 14 – 15; i.e., IPAN server 1104 downloads the playlist to device 1110, which corresponds to a client device) that is an audio representation of a menu component (see e.g., para. [0124], lines 14 – 15; i.e., the audio representation corresponds to songs in a playlist, wherein a menu component corresponds to the text string associated with a particular song, such as a song’s title, and artist), whereby the menu component (see e.g., Fig. 17D and para. [0124]; i.e., a menu component corresponds to the textual representation of an audio file displayed in a playlist) is one of several options that is selectable from the menu (see e.g., para. [0159]; i.e., the user highlights a song and by right clicking, “Load”, “Play”, “Blast To”, “Copy To”, and “Delete” options are made available for selection); and playing the audio file when the menu component is chosen (see e.g., para. [0159]).

As to dependent claim 18, Qureshey et al. teaches:

The method of claim 17, wherein: the menu includes menu components that have not been received (see e.g., para. [0021]); and pre-packaged audio files are associated with the menu components that have not been received (see e.g., para. [0021], lines 12 - 22; i.e., the songs assigned to the second storage device corresponds to pre-packaged audio files that have not been received).

As to independent claim 20, claim 20 differs from claim 17 only in that claim 20 is an apparatus claim using a computer readable medium (see e.g., para. [0081]; i.e., random access memory 204, and data storage device 210 comprising floppy disk drive, hard disk drive, flash memory, CD-ROM, DVD-ROM, or CMOS memory) containing executable instructions (see e.g., para. [0081]; i.e., software program corresponds to computer instructions stored in memory) that when executed causes a processor (see e.g., para. [0081]; i.e., Central Processing Unit (CPU) 202) to perform the steps of claim 17. Thus, claim 20 is analyzed as previously discussed with respect to claim 17 above.

As to dependent claim 23, Qureshey et al. teaches:

The method of claim 17, wherein the audio file is received from a server (see e.g., para. [0124], lines 30 – 44; i.e., Device 1110 corresponds to a client's device, wherein the client 1110 device downloads the list of audio files from the server).

As to dependent claim 24, Qureshey et al. teaches:

The method of claim 17, wherein the menu component is highlighted when chosen (see e.g., para. [0094]; i.e., the user highlights the desired menu item in list 322).

As to dependent claim 25, Qureshey et al. teaches:

The method of claim 17, wherein said method further comprises: updating the menu to include the menu component (see e.g., para. [0126]; i.e., when the user selects a choice, enter button 1214 is pressed to display a drop down menu, showing the available playlists).

As to independent claim 26, Qureshey et al. teaches:

A client device (see e.g., para. [0138], lines 1 – 3; i.e., network-enabled audio device 1300) comprising: a processor (see e.g., para. [0138], lines 9 – 10; i.e., Central Processing Unit (CPU) 1402); and a memory operatively connected with the processor (see e.g., para. [113], lines 4 – 6 and para. [0138], lines 17 – 18; i.e., memory card 1412, and data storage device 1414), the memory storing media content (see e.g., Fig. 17D; i.e., the memory storing media content, such as local audio files depicted by speaker icon 1762) and metadata for a plurality of media items (see e.g., para. [0180], lines 20 – 26; i.e., the metadata corresponds to the server downloading the identity of the artist and other information concerning the audio source and deliver the data to the client's device), the memory also storing audio content associated with the metadata for the media items (see e.g., Fig. 17D; i.e., the audio content corresponding to an audio file of a specific song by a specific artist, wherein the metadata corresponds to the title of the particular song with its associated artist); wherein the processor is operable to perform instructions (see e.g., [0138]; i.e., 10 – 13; i.e., the Central Processing Unit (CPU) 1402 is used to run software on the network enabled audio devices 1200 and 1300) including receiving a selection of one of the media items (see e.g., para. [0126]; i.e., the selection of media items corresponds to the user using the shuttle control 1214,

wherein the enter button 1216 is pressed to specify a playlist of choice) and then playing the audio content for at least a portion of the metadata associated with the selected one of the media items (see e.g., para. [0150]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Publication No. 2002/0002039) in view of Barile et al. (Patent No. 6,448,485).

As to independent claim 1, Qureshey et al. teaches a method for providing an audio menu (see e.g., Fig. 17D), comprising, providing text strings on a server (see e.g., para. [0124], lines 12 – 14; i.e., IPAN server 1104 provides a playlist for client Device 1110, wherein the playlist is in the form of text, such as artist and song title shown in Fig. 17D), each text string capable of representing a menu choice (see e.g., para. [0126], lines 4 – 15; i.e., the playlist is provided allowing the user to choose an audio source), generating audio files (see e.g., para. [0126], lines 12 – 14; i.e., generating audio files corresponds to the user playing the audio file with the group of menu buttons 1212), associating each of the audio files with the text string corresponding thereto (see e.g., Fig. 17D and para. [0160]; i.e., an audio file corresponds to a file located within a

storage space of IPAN server 1100, a PC, or a portable player, wherein the text string displayed in the playlist is associated to the audio file to indicate the title of a song and the artist), delivering the audio files to a client from the server (see e.g., para. [0124], lines 30 – 44; i.e., Device 1110 corresponds to a client's device, wherein the client 1110 device downloads the list of audio files from the server), presenting a menu on the client that includes menu choices represented by the text strings (see e.g., Fig. 17D and para. [0160]; i.e., the playlist corresponds to menu choices that is displayed and presented on the client's device, wherein the text string corresponds to the artist and song title shown in Fig. 17D), the menu choices being capable of being highlighted or selected (see e.g., para. [0159]; i.e., the user highlights a song and by right clicking, "Load", "Play", "Blast To", "Copy To", and "Delete" options are made available for selection), playing the audio file on the client when the associated menu choice is highlighted (see e.g., para. [0159], lines 4 – 7; i.e., the song is played on the client device when highlighting and choosing option "Play"). Qureshey et al. does not teach an audio file representing a voiced name of one of the text strings. Barile et al. teaches an audio file representing a voiced name of one of the text strings (see e.g., col. 3, lines 40 – 51; i.e., the audio file and text string corresponds to "Star Spangled Banner", wherein the represented voiced name of the text string corresponds to a narrative sentence, such as "Song 1 is The Stars-Spangled Banner by Francis Scott Key"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of providing an audio menu providing text strings on a server, text string representing menu choices, generating audio files, associating audio files with text strings, delivering the audio file to

a client from a server, presenting the menu choices on the client, the menu choices being capable of being highlighted, and playing the audio file on the client device of Qureshey et al. with the audio file representing a voiced name of one of the text strings of Barile et al. because the audio file representing a voiced name of one of the text strings allows visually-impaired individuals to search for selections among downloaded music selections (see e.g., col. 1, lines 25 – 35).

As to dependent claim 2, this claim is analyzed with respect to claim 1 as previously discussed above. Qureshey et al. teaches providing a remote control that can navigate through the menu on the client (see e.g., Fig. 12A and para. [0125], lines 12 – 19; i.e., remote control 1250 includes buttons for enter and navigation of a playlist menu).

As to dependent claim 3, this claim is analyzed with respect to claim 1 as previously discussed above. Qureshey et al. teaches a language other than English (see e.g., para. [0095] and para. [0106]); i.e., display 310 allows the user to select languages, such as English, French, etc., wherein text can be converted to a user's desired language), but does not teach a voiced name. Barile et al. teaches an audio file representing a voiced name of one of the text strings (see e.g., col. 3, lines 40 – 51; i.e., the audio file and text string corresponds to "Star Spangled Banner", wherein the represented voiced name of the text string corresponds to a narrative sentence, such as "Song 1 is The Stars-Spangled Banner by Francis Scott Key"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the option to select a language other than English of Qureshey et al. with

the voiced name of Barile et al. because the audio file representing a voiced name of one of the text strings allows visually-impaired individuals to search for selections among downloaded music selections in his/her native language (see e.g., col. 1, lines 25 – 35).

As to dependent claim 9, this claim is analyzed with respect to claim 8 as previously discussed above. Qureshey et al. teaches creating audio menu components (see e.g., Fig. 17D), providing a text string that represents a menu component (see e.g., Fig. 17A and para. [0160]; i.e., the text string that represents a menu component corresponds to information tabs 1726, wherein “Playlist”, “Artist”, “Genre”, “Books”, and “Clips” corresponds to text strings representing menu components), whereby the menu component is one of several options that can be selected (see e.g., Fig. 17A and para. [0155], lines 14 – 15; i.e., the user is able to view classifications, such as artist or playlist) from a displayed menu on a client device (see e.g., Fig. 17A and para. [0155], lines 5 – 8; i.e., the client PC runs a client software 1532 in order to display menu options), generating an audio file that is an audio representation of the menu component (see e.g., para. [0126], lines 12 – 14; i.e., generating audio files corresponds to the user playing the audio file with the group of menu buttons 1212), delivering the audio file to a client device (see e.g., para. [0124], lines 30 – 44; i.e., Device 1110 corresponds to a client’s device, wherein the client 1110 device downloads the list of audio files from the server), playing the audio file (see e.g., para. [0126], lines 12 – 14), but does not teach requesting approval of the played audio file prior to delivering the audio file to a client device. Barile et al. teaches requesting approval of the played audio

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file prior to delivering the audio file to a client device (see e.g., para. [0026], lines 6 – 13; i.e., user preferences, system defaults, text to speech information or a combination thereof may specify which information in tag 131, and which external information 380, is included in the narrative). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the creation of audio components, providing text strings that represents a menu component, the menu components are selectable from a displayed menu on the client device, delivering the audio file, and playing the audio file on a client device of Qureshey et al. with requesting approval of the played audio file prior to delivering the audio file to a client device of Barile et al. because the text to speech engine may process the combined textual data, translating the information into speech signals, and recorded as an audio signal for output (see e.g., para. [0026]).

As to dependent claim 10, this claim is analyzed with respect to claim 9 as previously discussed above. Qureshey et al. teaches generating an audio file (see e.g., para. [0126], lines 12 – 14; i.e., generating audio files corresponds to the user playing the audio file with the group of menu buttons 1212) via a text to speech algorithm (see e.g., para. [0106], lines 14 – 18; i.e., the text to speech algorithm corresponds to the software used to convert speech to text and text to speech, which is provided by site 602).

Claims 4 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Publication No. 2002/0002039) in view of Barile et al. (Patent No. 6,448,485), and further in view of Tagawa et al. (Publication No. 2002/0045438).

As to dependent claim 4, this claim is analyzed with respect to claim 1 as previously discussed above. Qureshey et al. teaches a method for providing an audio menu (see e.g., Fig. 17D), comprising, providing text strings on a server (see e.g., para. [0124], lines 12 – 14; i.e., IPAN server 1104 provides a playlist for client Device 1110, wherein the playlist is in the form of text, such as artist and song title shown in Fig. 17D), each text string capable of representing a menu choice (see e.g., para. [0126], lines 4 – 15; i.e., the playlist is provided allowing the user to choose an audio source), generating audio files (see e.g., para. [0126], lines 12 – 14; i.e., generating audio files corresponds to the user playing the audio file with the group of menu buttons 1212), associating each of the audio files with the text string corresponding thereto (see e.g., Fig. 17D and para. [0160]; i.e., an audio file corresponds to a file located within a storage space of IPAN server 1100, a PC, or a portable player, wherein the text string displayed in the playlist is associated to the audio file to indicate the title of a song and the artist), delivering the audio files to a client from the server (see e.g., para. [0124], lines 30 – 44; i.e., Device 1110 corresponds to a client's device, wherein the client 1110 device downloads the list of audio files from the server), presenting a menu on the client that includes menu choices represented by the text strings (see e.g., Fig. 17D and para. [0160]; i.e., the playlist corresponds to menu choices that is displayed and presented on the client's device, wherein the text string corresponds to the artist and song title shown

in Fig. 17D), the menu choices being capable of being highlighted or selected (see e.g., para. [0159]; i.e., the user highlights a song and by right clicking, “Load”, “Play”, “Blast To”, “Copy To”, and “Delete” options are made available for selection), playing the audio file on the client when the associated menu choice is highlighted (see e.g., para. [0159], lines 4 – 7; i.e., the song is played on the client device when highlighting and choosing option “Play”). Qureshey et al. does not teach an audio file representing a voiced name of one of the text strings.

Barile et al. teaches an audio file representing a voiced name of one of the text strings (see e.g., col. 3, lines 40 – 51; i.e., the audio file and text string corresponds to “Star Spangled Banner”, wherein the represented voiced name of the text string corresponds to a narrative sentence, such as “Song 1 is The Stars-Spangled Banner by Francis Scott Key”).

Both Qureshey et al. and Barile et al. does not teach playing the audio file when music is playing and playing the audio file does not stop the music from playing.

Tagawa et al. teaches playing the audio file when music is playing (see e.g., para. [0092], lines 1 – 6; i.e., the audio file corresponds to an audio file assigned to an incoming call, wherein the music data continues to play simultaneously with the incoming call’s audio file). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of providing an audio menu providing text strings on a server, text string representing menu choices, generating audio files, associating audio files with text strings, delivering the audio file to a client from a server, presenting the menu choices on the client, the menu choices

being capable of being highlighted, and playing the audio file on the client device of Qureshey et al. as modified by the audio file representing a voiced name of one of the text strings of Barile et al. with playing the audio file when music is playing, and playing the audio without stopping the music from playing of Tagawa et al. because a user listening to music can easily perceive the audio file from music data without being confused by a sudden change of sound volume and music while listening to music (see e.g., para. [0022]; i.e., the user can listen to music comfortably and have the ability to distinguish the difference between the audio file and the music data being played on the client's device).

As to dependent claim 5, this claim is analyzed with respect to claim 4 as previously discussed above. Qureshey et al. teaches providing an audio menu (see e.g., Fig. 17D), text strings on a server (see e.g., para. [0124], lines 12 – 14; i.e., IPAN server 1104 provides a playlist for client Device 1110, wherein the playlist is in the form of text, such as artist and song title shown in Fig. 17D), generating audio files (see e.g., para. [0126], lines 12 – 14; i.e., generating audio files corresponds to the user playing the audio file with the group of menu buttons 1212), delivering the audio files to a client from a server (see e.g., para. [0124], lines 30 – 44; i.e., Device 1110 corresponds to a client's device, wherein the client 1110 device downloads the list of audio files from the server), and playing the audio file on the client when the associated menu choice is highlighted (see e.g., para. [0159], lines 4 – 7; i.e., the song is played on the client device when highlighting and choosing option "Play"). Barile et al. teaches an audio file representing a voiced name of one of the text strings (see e.g., col. 3, lines 40 – 51; i.e.,

the audio file and text string corresponds to "Star Spangled Banner", wherein the represented voiced name of the text string corresponds to a narrative sentence, such as "Song 1 is The Stars-Spangled Banner by Francis Scott Key"). Both Qureshey et al. and Barile et al. does not teach the client producing audio output in at least two channels and the audio file is outputted through only one channel. Tagawa et al. teaches the client producing audio output in at least two channels (see e.g., para [0114], lines 4 – 9; i.e., the two channels corresponds to left and right speaker of headphone 3, wherein headphone 3 can reproduce music and audio files from both right and left headphones), and the audio file is output through only one channel (see e.g., para. [0114], lines 4 – 9; i.e., the audio file corresponds to the ring tone, wherein the ring tone is reproduced from the right side speaker of headphone 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of providing an audio menu providing text strings on a server, text string representing menu choices, generating audio files, associating audio files with text strings, delivering the audio file to a client from a server, presenting the menu choices on the client, the menu choices being capable of being highlighted, and playing the audio file on the client device of Qureshey et al. as modified by the audio file representing a voiced name of one of the text strings of Barile et al. with the client producing audio output in at least two channels and the audio file is outputted though only one channel of Tagawa et al. because a user listening to music can easily perceive the audio file from music data without being confused by a sudden change of sound volume and music while listening to music (see e.g., para. [0022]; i.e., the user can listen to music comfortably and have

the ability to distinguish the difference between the audio file and the music data being played on the client's device).

As to dependent claim 6, this claim is analyzed with respect to claim 5 as previously discussed above. Qureshey et al. teaches exactly two channels (see e.g., para. [0084], line 9; i.e., CPU 202 is a two-channel device) are used for the client's audio output (see e.g., para. [0084]), wherein the two channels being a left channel and a right channel (see e.g., para. [0084], lines 9 – 14; i.e., the two-channel device provides a left and right stereo channel).

As to dependent claim 7, this claim is analyzed with respect to claim 4 as previously discussed above. Qureshey et al. teaches providing an audio menu (see e.g., Fig. 17D), text strings on a server (see e.g., para. [0124], lines 12 – 14; i.e., IPAN server 1104 provides a playlist for client Device 1110, wherein the playlist is in the form of text, such as artist and song title shown in Fig. 17D), generating audio files (see e.g., para. [0126], lines 12 – 14; i.e., generating audio files corresponds to the user playing the audio file with the group of menu buttons 1212), delivering the audio files to a client from a server (see e.g., para. [0124], lines 30 – 44; i.e., Device 1110 corresponds to a client's device, wherein the client 1110 device downloads the list of audio files from the server), and playing the audio file on the client when the associated menu choice is highlighted (see e.g., para. [0159], lines 4 – 7; i.e., the song is played on the client device when highlighting and choosing option "Play"). Barile et al. teaches an audio file representing a voiced name of one of the text strings (see e.g., col. 3, lines 40 – 51; i.e., the audio file and text string corresponds to "Star Spangled Banner", wherein the

represented voiced name of the text string corresponds to a narrative sentence, such as "Song 1 is The Stars-Spangled Banner by Francis Scott Key"). Both Qureshey et al. and Barile et al. does not teach the audio file is mixed with the music when the music is playing. Tagawa et al. teaches the audio file is mixed with the music when the music is playing (see e.g., para. [0114]; i.e., the ring tone is mixed with the reproduction sound of the music data simultaneously, wherein the music data is not stopped when the ring tone is reproduced). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of providing an audio menu providing text strings on a server, text string representing menu choices, generating audio files, associating audio files with text strings, delivering the audio file to a client from a server, presenting the menu choices on the client, the menu choices being capable of being highlighted, and playing the audio file on the client device of Qureshey et al. as modified by the audio file representing a voiced name of one of the text strings of Barile et al. with the mixing of the audio file when music is playing of Tagawa et al. because a user listening to music can easily perceive the audio file from music data without being confused by a sudden change of sound volume and music while listening to music (see e.g., para. [0022]; i.e., the user can listen to music comfortably and have the ability to distinguish the difference between the audio file and the music data being played on the client's device).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Publication No. 2002/0002039) in view of Barile et al. (Patent No. 6,448,485), and further in view of Lucas et al. (Publication No. 2002/0143533).

As to dependent claim 11, this claim is analyzed with respect to claim 10 as previously discussed above. Qureshey et al. teaches generating an audio file (see e.g., para. [0126], lines 12 – 14; i.e., generating audio files corresponds to the user playing the audio file with the group of menu buttons 1212) via a text to speech algorithm (see e.g., para. [0106], lines 14 – 18; i.e., the text to speech algorithm corresponds to the software used to convert speech to text and text to speech, which is provided by site 602). Barile et al. teaches requesting approval of the played audio file prior to delivering the audio file to a client device (see e.g., para. [0026], lines 6 – 13; i.e., user preferences, system defaults, text to speech information or a combination thereof may specify which information in tag 131, and which external information 380, is included in the narrative). Both Qureshey et al. and Barile et al. do not teach if approval is not given, providing an opportunity to modify the text string, if the text string is modified, replacing the audio file with a new audio file generated from the modified text string, playing the audio file, and requesting approval of the played audio file. Lucas et al. teaches if approval is not given (see e.g., para. [0022], lines 13 – 15), providing an opportunity to modify a text string (see e.g., para. [0020], lines 1 – 2; i.e., approval and an opportunity to modify a text string corresponds to allowing the user to edit and update single letters of text by using editorial manipulation), if the text string is modified, replacing the audio file with a new audio file generated from the modified text string (see

e.g., para. [0036]), lines 8 – 10; i.e., the second user may edit the text string or text document, wherein editing the original text will update the initial audio file composed by the first user), playing the audio file (see e.g., para. [0065], lines 15 – 16; i.e., an editor is able to select an audio file associated with a text string or text document for playback), and requesting approval of the played audio file (see e.g., para. [0050], lines 15 – 18; i.e., processing includes any number of cycles of editing, reviewing, and approval of text strings and associated audio files). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate generating an audio file via a text to speech algorithm of Qureshey et al. as modified by requesting approval of the played audio file prior to delivering the audio file to a client device of Barile et al. with providing an opportunity to modify a text string, if the text string is modified, replacing the audio file with a new audio file generated from the modified text string, playing the audio file, and requesting approval of the played audio file of Lucas et al. because processing or editing the text string with the associated audio files can be edited numerous times (see e.g., para. [0050], lines 15 – 18).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Publication No. 2002/0002039) in view of Barile et al. (Patent No. 6,448,485), Lucas et al. (Publication No. 2002/0143533) and further in view of Bloom et al. (Publication No. 2005/0042591).

As to dependent claim 12, this claim is analyzed with respect to claim 11 as previously discussed above. Qureshey et al., Barile et al, and Lucas et al. do not teach if the text string is not modified, providing an opportunity to replace the audio file with a new audio file generated from an audio recording. Bloom et al. teaches if the text string is not modified, providing an opportunity to replace the audio file with a new audio file generated from an audio recording (see e.g., para. [0014]; i.e., a series of new audio recordings replaces the original audio recordings, wherein the user selects the new audio recordings). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate generating an audio file via a text to speech algorithm of Qureshey et al. as modified by requesting approval of the played audio file prior to delivering the audio file to a client device of Barile et al. as further modified by providing an opportunity to modify a text string, if the text string is modified, replacing the audio file with a new audio file generated from the modified text string, playing the audio file, and requesting approval of the played audio file of Lucas et al. with providing an opportunity to replace the audio file with a new audio file generated from an audio recording of Bloom et al. because the system comprises means for populating a database with text associated with the particular audio file (see e.g., para. [0018] and para. [0136]; i.e., the text associated with the audio recording is maintained in a database to ensure the data can be located, combined and played back synchronously on the clients device).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Publication No. 2002/0002039) in view of Irvine et al. (Publication No. 2003/0197744).

As to dependent claim 19, this claim is analyzed with respect to claim 17 as previously discussed above. Qureshey et al. teaches an audio file (see e.g., Fig. 17D and para. [0160]); i.e., the audio files corresponds to the song title and artist name within the playlist), menu components (see e.g., para. [0124], lines 14 – 15), highlighting a audio file to play (see e.g., para. [0159]; i.e., the user highlights a song and by right clicking, “Load”, “Play”, “Blast To”, “Copy To”, and “Delete” options are made available for selection), but does not teach the audio file is played only after the menu component has been highlighted for a predetermined period of time. Irvine et al. teaches activating related controls without the use of a mouse click (see e.g., para. [0075]; i.e., zeroclick control enables a click/command/function that is only triggered by a pointer movement alone). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the audio file, menu components, and highlighting an audio to be played of Qureshey et al. with the zeroclick functionality of Irvine et al. because the zeroclick functionality may display information in the form of speech, animation, video, audio, and photography (see e.g., [0048], lines 43 – 49).

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Publication No. 2002/0002039) in view of Lucas et al. (Publication No. 2002/0143533)

As to independent claim 21, Qureshey et al. teaches a media database that stores media files (see e.g., para. [0171], lines 11 – 16; i.e., the media database corresponds to CD database or an online database, wherein CD database and online database stores media files), media collection records (see e.g., para. [0171], lines 11 – 16; i.e., media collection records corresponds to a collection of media data stored in CD database) that include data relating to groupings of the media files (see e.g., para. [0171], lines 11 – 16; i.e., Name CD function 1852 is a procedure that is used to retrieve media information, such as a title name for a track or other associated data), media records (see e.g., para. [0171], lines 11 – 16) that include metadata relating to the media files (see e.g., para. [0180], lines 20 – 26; i.e., the metadata corresponds to the server downloading the identity of the artist and other information concerning the audio source and deliver the data to the client's device). Qureshey et al. does not teach a voiced names database that stores audio files, and string association records that associate the audio files with data from the media collection records and metadata from the media records. Lucas et al. teaches a voiced names database that stores audio files (see e.g., para. [0050], lines 1 – 12; i.e., database 346 is for storing audio file 348), and string association records that associate the audio files with data from the media collection records and metadata from the media records (see e.g., para. [0050]; i.e., editable text file 350 and synchronizing and index file 352 are associated with audio file 348). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the media database that stores media files, media collection records that include data relating to groupings of the media files, media

records that include metadata relating to the media files of Qureshey et al. with the voiced names database that stores audio files, and string association records that associate the audio files with data from the media collection records and metadata from the media records of Lucas et al. because the database can be used for editing purposes or archival purposes (see e.g., para. [0050], lines 1 – 3).

As to dependent claim 22, this claim is analyzed with respect to claim 21 as previously discussed above. Qureshey et al. teaches a management system (see e.g., para. [0003]) executed on a portable digital music player (see e.g., para. [0157], lines 1 – 7; i.e., the portable digital music player corresponds to portable MP3 players, cell phones, etc.).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al. (Publication No. 2002/0002039) in view of Tagawa et al. (Publication No. 2002/0045438).

As to dependent claim 27, this claim is analyzed with respect to claim 26 as previously discussed above. Qureshey et al. teaches a processor (see e.g., para. [0138], lines 9 – 10; i.e., Central Processing Unit (CPU) 1402) is further operable to perform instructions (see e.g., [0138]; i.e., 10 – 13; i.e., the Central Processing Unit (CPU) 1402 is used to run software on the network enabled audio devices 1200 and 1300) including playing the media content for the selected one of the media items (see e.g., para. [0150]), metadata associated with the selected one of the media items (see e.g., Fig. 17D; i.e., the audio content corresponding to an audio file of a specific song by

a specific artist, wherein the metadata corresponds to the title of the particular song with its associated artist), but does not teach playing the media content for the selected one of the media items concurrently with the audio content for at least the portion of the metadata associated with the selected one of the media items. Tagawa et al. teaches playing media content concurrently with the audio content (see e.g., para. [0092], lines 1 – 6; i.e., the audio file corresponds to an audio file assigned to an incoming call, wherein the music data continues to play simultaneously with the incoming call's audio file). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the processor operable to perform instructions including playing the media content for the selected one of the media items, and metadata associated with the selected one of the media items of Qureshey et al. with playing media content concurrently with the audio content of Tagawa et al. because listening to music can easily perceive the audio file from music data without being confused by a sudden change of sound volume and music while listening to music (see e.g., para. [0022]; i.e., the user can listen to music comfortably and have the ability to distinguish the difference between the audio file and the music data being played on the client's device).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art Patent No. 5,296,642 can be applicable and pertinent to applicant's disclosure. Prior art disclosed by Konishi et al. teaches a multimedia player

that has selection means for selecting a music piece, wherein a chain of music files are played after a audio file has been highlighted for a predetermined amount of time.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art Patent No. 6,360,237 can be applicable and pertinent to applicant's disclosure. Prior art disclosed by Schulz et al. teaches a text to speech method of editing written text and associated spoken words with the string of text.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Vuu whose telephone number is (571) 270-1048. The examiner can normally be reached on 8-5.

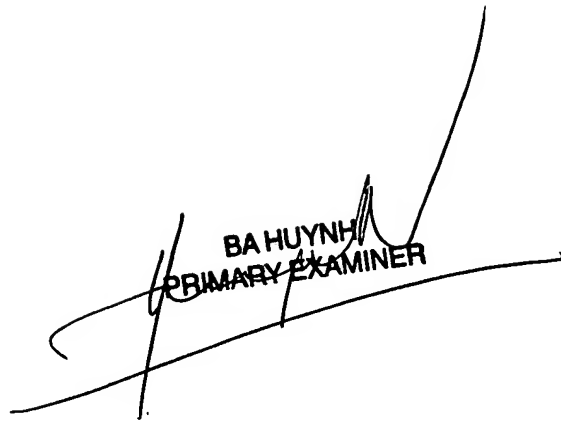
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Henry Vuu



12/4/2006



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